

Faulk, Camilla

From: Heather Straub [heatherstraub@gmail.com]
Sent: Wednesday, September 07, 2011 9:47 AM
To: Faulk, Camilla
Subject: Comment on Proposed Rules July 2011

Dear Ms. Faulk:

Thank you for noting my comment on the following section of the proposed rules on suggested standards for indigent defense. I am concerned specifically regarding Standard 5.2, in that it appears to require public defense attorneys to have an office. While I think it is a good aspiration for attorneys to obtain an office, I do not think it should be a requirement. This is especially a problem for attorneys who take contract public defense cases. These cases often do not pay well, and are not necessarily "regular employment," which make them attractive cases for newer attorneys to gain experience and attorneys who are slowing down their practice. Often, such attorneys cannot afford even a small office. Forcing attorneys to have an office in order to take any indigent defense cases would have a chilling effect and could at the very least necessitate a rise in payment to those who provide indigent defense services. Furthermore, there is no RPC stating that an attorney must have an office. Attorneys can complete client work effectively and confidentially without renting or owning a formal office space, and this proposed rule would be unfair and unnecessary.

From my personal experience, I full-time public defense work and recently opened my own law firm. For the first few months, I could not afford to have an office. I had to prioritize where to put my money, and for me, getting malpractice insurance coverage, paying bar dues, joining sections and organizations that could help keep me on top of the substantive law – those were the essentials. I was able to meet clients at conference spaces, at the courthouse, and in other private conference areas. Even when I worked as a full-time public defender, I rarely met clients at my office compared to the countless times that I met them at court. It was much more convenient for the clients, and basically necessary for me to be able to do my job. When clients did come to my office, I did not have them come up to my private office where I took calls and did research, but met them instead in a private conference area near the reception area. Clients were not allowed into the private sections of the office due to security concerns. However, I was still able to provide excellent, ethical legal services for my clients.

I hope you will reconsider this portion of the rule.

Best regards,

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